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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 JASON CHRISTEN, a/k/a MALACHI
8 MACGREGOR-REIGN,

9 Plaintiff,

10 v.

11 WASHINGTON DEPARTMENT OF
12 CORRECTIONS, PAT GLEBE, DEVON
13 SCHRUM, DENNIS DAHNE, SHERI
14 OBENLAND, and JOHN AND JANE 1-10
15 DOES,

16 Defendants.

No. C10-5250 BHS/KLS

ORDER DENYING MOTION TO
COMPEL

17 Before the Court is Plaintiff's Motion to Compel Discovery. ECF No. 29. The Court
18 finds that the motion should be denied because it does not include a certification that Plaintiff
19 conferred with counsel for Defendants before he filed his motion.

20 While a party may apply to the court for an order compelling discovery "upon reasonable
21 notice to other parties and all persons affected thereby," the motion must also include a
22 certification that the movant has in good faith conferred or attempted to confer with the person or
23 party failing to make the discovery in an effort to secure the information or material without
24 court intervention." Fed. R. Civ. P. 37(a)(2)(B). In addition, "[a] good faith effort to confer with
25 a party or person not making a disclosure or discovery requires a face-to-face meeting or a
26 telephonic conference." Local Rule CR 37(a)(2)(A).

1 The Court anticipates that the parties will confer and make a good faith effort to resolve
2 this discovery dispute without Court interference. To that end, counsel for Defendants is
3 directed to arrange a telephonic conference with the Plaintiff no later than **April 15, 2011**. If the
4 parties cannot amicably resolve this issue, Plaintiff may file a motion to compel, and shall
5 include a certification stating that their efforts were unsuccessful, and shall identify those areas
6 of disagreement that remain unresolved. The court will not address any motion which lacks such
7 a certification.
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9 Accordingly, it is **ORDERED**:

10 (1) Plaintiff's motion to compel (ECF No. 29) is **DENIED**.

11 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel
12 for Defendants.
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14 **DATED** this 5th day of April, 2011.

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16 Karen L. Strombom
17 United States Magistrate Judge
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